

In the meanwhile, the President of Vegetable and Fruit Merchants Sangha, presented an application addressed to the Commissioner, Bangalore City Corporation, on 2nd December 1974 for prevention of construction of shops in the passage in the northern portion of S.K.R. Market and the Commissioner has taken action to keep open the passage, as per assurance given during the inspection.

ಶ್ರೀ ಟಿ. ಆರ್. ಶಾಮಣ್ಣ.—ಈಗ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಕೊಟ್ಟಿರುವ ಭರವಸೆಗೆ ನಾನು ಮೆಚ್ಚುತ್ತೇನೆ. ಆದರೆ ಈಗಲೇ ಕೃಷ್ಣರಾಜೇಂದ್ರ ಮಾರ್ಕೆಟ್ಟಿನಲ್ಲಿ ನಾಲ್ಕೈದು ಪ್ಲಾಸೇಜಸ್ ಮಂಚ್ಚಿ ಅಂಗಡಿಗಳನ್ನು ಮಾಡಿಕೊಟ್ಟಿದ್ದಾರೆ. ಅಲ್ಲಿ ಪ್ಲಾಸೇಜ್‌ಗಳನ್ನು ಮುಚ್ಚುವುದಕ್ಕೆ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಅವಕಾಶ ಕೊಡುವುದಿಲ್ಲವೆಂದು ಭರವಸೆ ಕೊಟ್ಟರೆ ಸಾಕು ಕೋರ್ಟಿನಲ್ಲಿ ಇರತಕ್ಕ ಕೇಸುಗಳನ್ನು ತೆಗೆಸಿ ಆ ಪ್ಲಾಸೇಜ್‌ಗಳನ್ನು ಮಂಚ್ಚಿಸಿ ಅಂಗಡಿಗಳನ್ನು ಮಾಡುವುದಿಲ್ಲ ಎಂಬುದಾಗಿ ಭರವಸೆ ಕೊಡಬೇಕು.

ಶ್ರೀ ಡಿ. ಕೆ. ನಾಯ್ಡು.—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಪಾಪ್‌ಗಳ ಪ್ಲಾಸೇಜ್ ಬಗ್ಗೆ ಕೇಳಿದಾಗ ಪರ್ಸನಲ್ ವಿಜಿಟ್ ಮಾಡಿ ನೋಡಿ, ಇದರ ಮಾಹಿತಿ ತಿಳಿದುಕೊಂಡು ಹೇಗೆ ಮಾಡಬೇಕೆಂದು ಯೋಚನೆಮಾಡಿದ್ದೇವೆ. ಆದರೆ ಉಳಿಕೆ ಪ್ಲಾಸೇಜಸ್ ಬಗ್ಗೆ ಏನಾದರೂ ಇದ್ದರೆ, ಅದರ ವಿಷಯ ತಿಳಿದುಕೊಂಡು ಮುಂದಿನ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುತ್ತೇನೆಂದು ಹೇಳುತ್ತೇನೆ.

[MR. DEPUTY SPEAKER.—In the chair]

**re : Acquisition of land and compensation by in KHB
at Yalankha Hobli**

SRI KAGODU THIMMAPPA (Sagar).—I call the attention of the Minister for Finance and Housing to certain irregularities in the acquisition of lands and payment of compensation by Officers of Karnataka Housing Board at Yelahanka, Hobli.

SRI M. Y. GHORPADE (Minister for Finance and Housing).—I Wish to make the following Statement.

During the debate in the Legislative Assembly on 5th March, 1975, one of the honourable members of the Legislative Assembly Sri Konandur Lingappa, alleged that serious irregularities had been committed in the acquisition of land by the Karnataka Housing Board for Yelahanka Township, involving a wrongfull payment of Rs. 4.6 lakhs and that the officers of the Board were responsible for these irregularities. Subsequently, one of the members of the Housing Board, Sri Kempe Gowda, also made a similar representation to me. I discussed this matter with the Chairman, Karnataka Housing Board on 7th March. The connected records have been obtained from the Housing Board and examined.

2. The factual position is briefly as follows :—

For the Yelahankha Townshihp, which is being established by Karnataka Housing Board, acquisition proceedings were initiated and the preliminary notification under Section 4 (1) of the Land Acquisition Act was issued on 15-3-1971. The final Notification under Section 6 of the Land Acquisition Act was published on

4-4-1972. Among the lands being acquired were Survey Nos. 4, 7 and 8 of Mandalakunte Village, Yelahanka Hobli, Bangalore North Taluk. Parts of these Survey numbers stood in the village records in the name of Sri L. Krishnamurthy Naidu and three of his brothers. The village records showed the name of Sri P. Muniswamappa as the tenant of the land. In May 1972, notices under Sections 9 and 10 of the Land Acquisition Act were issued to Sri L. Krishnamurthy Naidu and Sri Muniswamappa, both of whom subsequently filed their claims before the Special Deputy Commissioner for Land Acquisition. Later on, the State Bank of Mysore filed before the Special Deputy Commissioner an irrevocable power of attorney authorising the Bank to collect the compensation amount due to Sri Krishnamurthy Naidu.

The Special Deputy Commissioner prepared the draft award for the survey numbers in question on 22-7-1974. The award was approved by the Divisional Commissioner, Bangalore, on 8-8-1974 and the award became final on 9-8-1974. While dealing with the question of apportionment of compensation in his award, the Special Deputy Commissioner held that the Land Reforms Act was not applicable to this case as the land had not been leased to Sri Muniswamappa for agricultural purposes. He also held that under the terms of registered lease deed, the tenant was not entitled to any compensation. The Special Deputy Commissioner awarded the entire compensation amount to the land lords only. One fourth of the compensation was ordered to be deposited in Civil Court, as one of the brothers of Sri Krishnamurthy Naidu claimed a share, while the balance, which amounted to Rs. 4.67 lakhs was ordered to be paid to Sri Krishnamurthy Naidu.

As mentioned earlier, the award became final on 9-8-1974. The Special Deputy Commissioner sent official memoranda the same day to the Accounts Officer of Karnataka Housing Board, along with the Payee's Receipts furnished by the State Bank of Mysore, Wilson Garden Branch, for issue of cheques to the Bank, which held the Power of attorney for Sri Krishnamurthy Naidu. The Accounts Officer sought the orders of the Housing Commissioner on 12-8-1974 whether the payment might be made. After perusing the awards passed by the Special Deputy Commissioner, the Housing Commissioner passed orders on 17-8-1974, that the amounts might be paid. On 19-8-1974, the cheques were delivered to the State Bank of Mysore, Wilson Garden Branch. On the same day, following a petition by Sri P. Muniswamappa, the then Minister for Transport and Housing issued instructions to stop the payment. The Accounts Officer issued letters immediately to both the Bankers of the Board and the State Bank of Mysore, Wilson Garden Branch, but received reply that payment had already been made.

3 The allegations which have been made are briefly as follows :

(i) Sri L. Krishnamurthy Naidu had lost his status as land lord by virtue of the Land Reforms Act and the payment to him was made wrongfully ;

(ii) The payment to Sri Krishnamurthy Naidu was made hurriedly in contravention of the instructions issued by the Housing Minister ; and

(iii) The Special Deputy Commissioner, the Accounts Officer, Housing Commissioner and Secretary of the Housing Board are guilty of negligence, dereliction of duty, etc.

4. The issues which arise from these allegations are :—

(a) whether the payment of compensation to Sri Krishnamurthy Naidu was justified or not ;

(b) whether there was any undue haste in making payment ; and

(c) what is the further course of action to be taken.

5. The first issue, *viz.*, whether the payment of compensation to Sri Krishnamurthy Naidu was correct, touches the merits of the award. The tenant, Sri Muniswamappa, has already made an application to the Special Deputy Commissioner on 14-10-1974, under Sections 18 and 30 of the Land Acquisition Act for referring the case to the Civil Court for determination of his claim for compensation. He has also claimed that he continues to be in physical possession of the lands even to-day. The High Court of Mysore in a Judgement dated 15-1-1975 has observed that *prima facie* it is established that Sri Muniswamappa is in possession of the suit lands. The High Court also observed that the respective claims of the land lord and tenant both under the Land Reforms Act and the Land Acquisition Act are to be worked out in the suit by the Court. The honourable members will appreciate that land acquisition awards are quasi-judicial in nature. The apportionment of compensation will have to be settled ultimately in the Civil Court, reference to which has already been sought by the tenant. It will not, therefore be appropriate for me to comment on the merits of the award at this stage. I am requesting the Revenue Department, which is the administrative department for both Land Reforms and land Acquisition to examine the further action to be taken under the Karnataka Land Reforms Act and the Land Acquisition Act ensure that no party is deprived of rights and privileges available under these Acts. The Revenue Department is also being requested to examine the appropriate steps to be taken to safeguard the interests of Government and Housing Board so far as liability under the acquisition proceedings is concerned.

6. The records do not disclose any undue haste in the preparation of the cheques for the compensation amount by the Accounts Section of the Housing Board. The fact that the papers were with the Accounts Section for ten days indicates that the cheques were prepared in the normal course. The Housing Commissioner had no statutory power in regard to acquisition proceedings and, at the time of payment of the cheques, he was on tour to Gulbarga. There is also no material to show that the Special Deputy Commissioner deliberately disobeyed the stay order issued by the Housing Minister on 19-8-1974. According to information available from the Bankers of the Housing Board, the cheques had been paid by the time instructions to stop payment were received.

7. As I have mentioned earlier, it will not be appropriate for me to comment on the merits of the award of the Special Deputy Commissioner as the matter will go before a Court. I should mention however, that the records disclose irregularities in the procedure followed by the Special Deputy Commissioner. The most important among these was the fact that the Special Deputy Commissioner did not ensure service of notice under Section 12 of the Land Acquisition Act on all the parties concerned before making payment of compensation to Sri Krishnamurthy Naidu. While on the very date of the finalisation of the award, *viz.*, 9-8-1974, the Special Deputy Commissioner obtained the Payees' Receipts from the Bank which held the power of Attorney of Sri Krishnamurthy Naidu, notice to Sri Muniswamappa was finally sent by the Registered Post only on 19-8-1974, on which date payment had already been made to Sri Krishnamurthy Naidu. Though it is stated that attempts had been made earlier to secure personal service of notice on Sri Muniswamappa the fact that payment was made before actual service of notice to all the parties deprived the tenant Sri Muniswamappa of his right to move for reference to Civil Court under Section 18 of the Land Acquisition Act before payment compensation. The Special Deputy Commissioner did not also follow the correct procedure in regard to taking possession of the lands. According to the records of the Special Deputy Commissioner, the possession of Survey Nos. 4 and 7 Mandalakunte Village was taken by the Housing Board on 15-9-1973 and of Survey No. 8 on 18-10-1973. In both cases, Sri Krishnamurthy Naidu has handed over possession. At the time of taking possession, the Special Deputy Commissioner had not given any notice to Sri Muniswamappa, even though his name was shown in the village records as the tenant of the land and he had filed a claim statement before the Special Deputy Commissioner. As mentioned by me earlier, the High Court of Karnataka has held, in an order passed on 15-1-1975, that *prima facie* Sri Muniswamappa is still in possession of the lands. I would not like to elaborate on this aspect, as the question of possession raises several implications under both Karnataka Land Reforms Act and the Land Acquisition Act, which

are likely to figure in the proceedings before the Civil Court. I would only say that as a consequence of the incorrect procedure followed by the Special Deputy Commissioner, Government and the Housing Board have been exposed to possible financial loss and other legal complications. The officer concerned has since retired from service. Government propose to institute departmental proceedings against the officer under Article 214 of the Karnataka Civil Service Regulations under which Government have the right to withhold or withdraw a pension or any part of it if, in a departmental proceeding the pensioner is found guilty of grave misconduct or negligence during the period of his service.

ಶ್ರೀ ಕಾಗೋಡು ತಿಮ್ಮಪ್ಪ.—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಅವಾರ್ಡ್ ಪಾಸ್ ಮಾಡಿದ ಮೇಲೆ ಪೈನಲ್ ಅವಾರ್ಡ್ ಆದದ್ದು ದಿವಿಜನಲ್ ಕಮಿಷನರ್ ಅವರ ಒಪ್ಪಿಗೆಗೆ ಹೋಗಿ ಬಂದದ್ದು ಆದಮೇಲೆ ಅವರು ಹೇಳಿರುವ ಪ್ರಕಾರ ಲಾಂಡ್ ಅಕ್ವಿಷನ್ ಆಕ್ಟ್ ಪ್ರಕಾರ 30 ದಿವಸಗಳ ನೋಟೀಸ್ ಕೊಡಬೇಕು. ಆದರೆ ಇಲ್ಲಿ ಏನಾಗಿದೆ ಎಂದರೆ ಇಲ್ಲಿ ಅವಾರ್ಡ್ ಪೈನಲ್ ಆದಕೂಡಲೇ ಹಣ ಕೊಟ್ಟಿರತಕ್ಕಂಥಾದ್ದು ಯಾವಾಗ ಎಂದರೆ ಅವಾರ್ಡ್ ಪಾಸ್ ಒಂದು ವಾರದಲ್ಲೇ ಅಂದರೆ 9ನೇ ಆಗಸ್ಟ್ ೧೯೭೪ರಲ್ಲಿ ಪೈನಲ್ ಆಗಿದೆ. ಹಣ ಕೊಟ್ಟಿರತಕ್ಕಂಥಾದ್ದು ೧೯ನೇ ಆಗಸ್ಟ್ ೧೯೭೪. ಅದರಿಂದ ಸ್ಟೇಷಲ್ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರ್ ಮತ್ತು ಅಕ್ವಿಷನ್ ಆಫೀಸರ್ ಇವರ ಮೇಲೆ ಅಪಾದನೆ ಸಾಬೀತಾಗಿದೆ. 30 ದಿವಸ ನೋಟೀಸ್ ಲಾಂಡ್ ಅಕ್ವಿಷನ್ ಕಾನೂನು ಪ್ರಕಾರ ಹಣವನ್ನು ಕೊಡಬಾರದು. ಸೆಕ್ಷನ್ ೧೮ ಪ್ರಕಾರ ಈ ಕೇಸನ್ನು ರೆಫರ್ ಮಾಡಿ ಸಿವಿಲ್ ಕೋರ್ಟಿಗೆ ನೋಟೀಸ್ ಕೊಟ್ಟಿದ್ದಾರೆ.

ಶ್ರೀ ಎಚ್.ಡಿ. ದೇವೇಗೌಡ.—ಮಾನ್ಯ ಸಭಾಧ್ಯಕ್ಷನವರೇ ಅಡ್ವಾನ್ಸ್ ಕಾಂಪೆನ್ಸ್ ಸೇಷನ್ ಕೊಡತಕ್ಕಂಥ ಪೂರ್ವದಲ್ಲಿ six months earlier to this payment, Rs. 18,000 advance compensation has been made. How can this Officer make this payment when there is a stay order? There was already a stay order. ಸ್ಟೇ ಕೊಟ್ಟಿದ್ದಾರೆ. The Minister states that it reached his office at 11 'O' clock. The Private Secretary has handed over that to the Housing Commissioner and got acknowledgement and the cheque was encashed in the Bank at 1-30 P.M on the same day. All the people involved have connived. Withholding the pension of this officer is something wonderful. ಇವರ ಪೆನ್ಷನ್ ವಿತ್ ಹೋಲ್ಡ್ ಮಾಡುತ್ತೇವೆಂದು ಹೇಳಿ ಲಾಟಿ ಹೊಡೆದವರಿಗೆ 30-೧೦೦ ರೂಪಾಯಿ ದಂಡ ಹಾಕಿದರೆ ಎನ್ ಪ್ರಯೋಜನ? ಆದ್ದರಿಂದ ಇವರ ಮೇಲೆ ಕ್ರಿಮಿನಲ್ ಕೇಸ್ ಹಾಕಿ ಪ್ರಾಸಿಕ್ಯೂಷನ್ ಲಾಂಚ್ ಮಾಡಬೇಕು. ನಾನು ಇದರ ಬಗ್ಗೆ ಚರ್ಚೆಗೆ ಅವಕಾಶ ಕೊಡಬೇಕೆಂದು ಕೇಳಿದ್ದೆ. ಮಾನ್ಯ ಸ್ಪೀಕರರಾದ ಲಿಂಗಪ್ಪನವರು ಕೇಳಿರತಕ್ಕಂಥಾದ್ದಕ್ಕೆ ನಾನು ಕ್ಲಾರಿಫಿ ಕೇಷನ್ ಕೇಳುತ್ತಿದ್ದೇನೆ. The Hon. Member Sri Konandur Lingappa has raised very relevant points. I want reply for all these points from the Hon. Minister.

11-30 A.M.

SRI M.Y. GHORPADE.—Sir, as I have already admitted in my statement, it would appear that the Special Deputy Commissioner has committed irregularities and that is why a departmental enquiry is being held. If any fresh points emerge in that, then we will take that also into account, but even on the basis of the facts that are clearly before us we find that the action that we propose to take against the Special Deputy Commissioner is fully justified.

ಶ್ರೀ ಎಚ್.ಡಿ. ದೇವೇಗೌಡ.—ನಿಮಗೆ ತನಿಖೆ ಮಾಡುವುದಕ್ಕೆ ಬೇಕಾದಷ್ಟು ಮೆಷನರಿ ಇದೆ ಪೊಲೀಸ್ ಇಲಾಖೆ ಇದೆ. ಆದ್ದರಿಂದ ಅಲ್ಲಿ ಯಾವರೀತಿ ನಡೆಯುತ್ತಿದೆ ಎಂಬುದನ್ನು ತನಿಖೆ ಮಾಡಿ ವರದಿಯನ್ನು ತರಿಸಿಕೊಳ್ಳಿ.

ಶ್ರೀ ಎಂ.ವೈ. ಫೋರ್ಪಡೆ —ಅಲ್ಲಿ ಇರೆಗ್ಗುಲಾರಿಟೀಸ್ ಆಗಿರುವುದರಿಂದ ಡಿಪಾರ್ಟ್‌ಮೆಂಟ್ ಪೋಲೀಸಿಂಗ್ಸ್ ಮಾಡಬೇಕು ಅದಕ್ಕೆ ಸ್ವಲ್ಪ ಕಾಲ ಬೇಕಾಗಿದೆ. ಈಗ ಈ ಬಗ್ಗೆ ಡಿಪಾರ್ಟ್‌ಮೆಂಟ್ ಎನ್‌ಕ್ವೈರಿ ಏನು ಮಾಡಿದ್ದಾರೆ ಅದರಲ್ಲಿ ಯಾವ ಟೈಮ್‌ನಲ್ಲಿ ಈ ಪ್ರಕರಣದ ಬಗ್ಗೆ ಸಂಬಂಧಪಟ್ಟ ಮಂತ್ರಿಗಳು ಅಕೌಂಟ್ಸ್ ಆಫೀಸರಿಗೆ ಇನ್‌ಸ್ಟ್ರಕ್ಷನ್ ಕೊಟ್ಟರು, ಅವರು ಯಾವಾಗ ಬ್ಯಾಂಕಿಗೆ ತಿಳಿಸಿದರು ಎಂಬುದು ಎಲ್ಲಾ ರೆಕಾರ್ಡ್‌ನಲ್ಲಿ ಇದೆ. ಮಂತ್ರಿಗಳಿಂದ ಪೇಮೆಂಟ್ ಮಾಡಿಕೊಡದೊಂದು ಆಜ್ಞೆ ಬರುವುದಕ್ಕೆ ಮುಂಚೆಯೇ ಬ್ಯಾಂಕಿನಲ್ಲಿ ಚೆಕ್ ಕೊಟ್ಟಿದ್ದಾರೆ ಇದರಲ್ಲಿ ಬ್ಯಾಂಕ್ ತಕ್ಷಣ ಪೇಮೆಂಟ್ ಮಾಡುವುದಕ್ಕೆ ಕಾಣಗಳು ಏನಿವೆ ಎಂಬುದನ್ನು ನೋಡದೆ ಬ್ಯಾಂಕಿನ ಅಫೀಸರುಗಳನ್ನು ಎನ್‌ಕ್ವೈರಿ ಮಾಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಆದರೆ ನಮ್ಮ ಅಫೀಸರು ಏನು ಮಾಡಿದರು ಎಂಬುದನ್ನು ಮಾತ್ರ ನೋಡಬಹುದು. ಮಂತ್ರಿಗಳು ಯಾವಾಗ ಇನ್‌ಸ್ಟ್ರಕ್ಷನ್ ಕೊಟ್ಟರು ಯಾವಾಗ ಪೇಮೆಂಟ್ ಮಾಡಿದರು ಎನ್ನುವ ಎಲ್ಲಾ ವಿವರ ಕೂಡ ರೆಕಾರ್ಡ್‌ನಲ್ಲಿ ಇದೆ.

ಶ್ರೀ ಎಚ್.ಡಿ. ದೇವೇಗೌಡ.—ನಿಮ್ಮ ಇಲಾಖೆಯ ಒಬ್ಬ ಅಧಿಕಾರಿಯನ್ನು ಪ್ರಾಸಿಕ್ಯೂಟ್ ಮಾಡಿದರು ಎನ್ನುವ ಹೆಸರು ತೆಗೆದುಕೊಳ್ಳಿ.

SRI M.Y. GHORPADE —I would like to say while we would be extremely cautious in these matters, we would certainly not spare any officer who is proved guilty, There is certain procedure. Under Article 214 of the Karnataka Civil Services Regulations, we are taking action. Some hon. Member expressed the doubt whether any action at all can be taken when an officer retires. Even though the officer has retired, since we have *prima facie* facts that irregularities might have been committed, we are not leaving it at that, We are instituting departmental proceedings. If any fresh points about what the Bank did and all that come up, that also the enquiry will take into account and Government will decide what further appropriate steps are necessary.

ಶ್ರೀ ಕೊಣಂದೂರು ಲಿಂಗಪ್ಪ.—ಇದರಲ್ಲಿ ಯಾರು ಯಾರು ಭಾಗಸ್ಪರಿದಾರೆ ಅವರೆಲ್ಲರ ಬಗ್ಗೆಯೂ ತೀವ್ರವಾದ ಕ್ರಮವನ್ನು ಕೈಗೊಳ್ಳಬೇಕು. ಇದು ಅತ್ಯಂತ ಅವಶ್ಯಕ.

(ii) re - removal of fence etc: from one Smt. Saganammas land in Chickmagalur Municipal Authorities

SRI G. Puttaswamy (Mudigere).—I call the attention of the Minister for Law and Municipal Administration to the removal of fence; manure, etc., from the land belonging to Saganamma by Chickmagalur Municipal authorities.

SRI D.K. NAIKAR (Minister for Law and Municipal Administration)
I wish to make the following statement.

On the application of one Sri Rangaiah, s/o Thimmaiah resident of Basavanagally, Chickmagalur Town for granting of vacant site No. 4786 on the market road in Chickmagalur Town, the Administrator of the Town Municipal Council, inspected the spot on 12th December 1974 and remarked that as the site is near Shandy maidan and corner site, it is very valuable and some municipal shops could be put up in that place